

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

JOSEPH ANTHONY YOAST,)	
)	
Petitioner,)	
)	
v.)	No. 4:20-cv-769-RWS
)	
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

MEMORANDUM AND ORDER OF TRANSFER

This matter is before the Court upon review of petitioner Joseph Anthony Yoast's petition for writ of habeas corpus, filed pursuant to 28 U.S.C. § 2241. For the following reasons, this action will be transferred to the United States District Court for the Central District of Illinois.

On November 5, 2019, petitioner pleaded guilty to violating federal law, and on January 30, 2020, this Court sentenced him to serve 42 months' imprisonment. *U.S. v. Yoast*, No. 4:19-cr-517-RWS (E.D. Mo. Jul. 3, 2019). At present, petitioner is confined in the Macoupin County Jail in Carlinville, Illinois. He filed the instant petition to seek certain credits to his sentence. Jurisdiction over such a petition lies in either the district of physical confinement, or in the district in which a custodian against whom the petition is properly directed is present. *See Rumsfeld v. Padilla*, 542 U.S. 426, 442 (2004). Petitioner is not confined within the jurisdiction of this United States District Court, and his custodian is not present here. Instead, petitioner is confined within the jurisdiction of the United States District Court for the Central District of Illinois, and his custodian is present there. *See* 28 U.S.C. § 93(b).

If a district court finds it lacks jurisdiction to entertain a civil action, it may, if it is in the interest of justice, transfer such action to any other district court in which the action could have been brought. 28 U.S.C. § 1631. Upon such transfer, the action proceeds as if it had been originally filed in the district court to which it is transferred. In the case at bar, this Court finds that it would be in the interest of justice to transfer the instant case to the United States District Court for the Central District of Illinois.

On June 23, 2020, the government filed a motion seeking the dismissal of this action or, alternately, the transfer of this action to the United States District Court for the Central District of Illinois. Petitioner has not opposed the motion. The motion will be granted to the extent the government seeks the transfer of this action, and denied in all other respects.

Accordingly,

IT IS HEREBY ORDERED that this action shall be **TRANSFERRED** to the United States District Court for the Central District of Illinois.

IT IS FURTHER ORDERED that the government's motion is **GRANTED** to the extent the government seeks the transfer of this action to the United States District Court for the Central District of Illinois, and **DENIED** in all other respects. [ECF No. 3]

Dated this 10th day of July, 2020.

A handwritten signature in cursive script, appearing to read "Rodney W. Sippe", is written over a horizontal line.

RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE